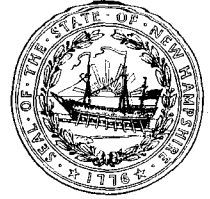




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

May 8, 2006

Mr. David A. Pearson
Calvary Christian School
115 Yeaton Road
Plymouth, New Hampshire 03264-3432

CERTIFIED MAIL (7005 1160 7467 6710)
RETURN RECEIPT REQUESTED
LETTER OF DEFICIENCY
No. ARD 06-006
(Asb.)

RE: Calvary Christian School

Dear Mr. Pearson:

On March 22, 2006, personnel from the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), conducted an inspection for compliance with the Asbestos Hazard Emergency Response Action of 1986 ("AHERA"), 15 USC § 2641 *et. seq.*, and the regulations promulgated pursuant to AHERA, 40 Code of Federal Regulations ("CFR") Park 763 Subpart E - *Asbestos Containing Materials in Schools*, at the Calvary Christian School, Plymouth, NH ("the school").

During the inspection, DES personnel met with School officials, discussed the objectives of the inspection, and provided School officials with copies of the United States Environmental Protection Agency ("EPA") form 7740-1 *Receipt for Samples and Documents* and EPA form 7740-3 *Notice of Inspection*. During the inspection, DES personnel reviewed facility records and documentation and provided information about AHERA.

As a result of the inspection and information gathered, the Letter of Deficiency ("LOD") is being sent to identify the following deficiencies.

1. Prior to the inspection, the School failed to conduct at least two hours of awareness training for maintenance and custodial staff who work in the school building that contains asbestos-containing building materials (ACBM"), as required by 40 CFR § 763.92(a)(1). On April 21, 2006, the School submitted evidence that the training was conducted on April 5, 2006 for David Pearson and April 18, 2006 for Thomas Kennedy.
2. Thomas Kennedy, who performs small-scale, short duration (SSSD") activities, has not received an additional 14 hours removal training, as required by 40 CFR § 763.92(a)(2).

3. In 2003, Thomas Kennedy removed approximately 52 square feet of asbestos-containing linoleum flooring from three bathrooms. Based on the lack of records concerning these activities and discussions with staff, it appears that the School failed to ensure that worker protection standards required by 40 CFR § 763.19(b) and procedures required by 40 CFR § 763.91(d) were followed during these operations and maintenance activities.
- 4 The School did not retain records of the removal of ACBM from three bathrooms in 2003 for at least three years after the next re-inspection. The next re-inspection took place on February 23, 2006.
- 5 The School conducted re-inspections in 1991, 1997 and 2006, but failed to conduct a re-inspection every 3 years after a management plan was implemented, as required by 40 CFR §763.85(b)(1).
- 6 The School's last two periodic surveillance records were dated July 1, 2001 and February 23, 2006. Thus, the School failed to conduct periodic surveillance every 6 months in each building that it leases or owns that contains, or is assumed to contain, ACBM, as required by 40 CFR §763.92(b)(1).

DES believes that these deficiencies can be resolved by the School taking the following actions:

- i. Thomas Kennedy, who performs SSSD activities, shall receive an additional 14 hours removal training, as stipulated in 40 CFR §763.92(a)(2).
- ii. School maintenance personnel shall comply with worker protection standards and follow procedures during operations and maintenance activities disturbing friable ACBM, as stipulated in 40 CFR §763.91(b) and (d).
- iii. The School shall keep records of any ACBM removal for at least three years after the next re-inspection.
- iv. The School shall conduct periodic surveillance in each building that it leases or owns that contains, or is assumed to contain, ACBM every 6 months, as stipulated in 40 CFR §763.92(b)(1).
- v. The School shall conduct a re-inspection every three years, as stipulated in 40 CFR §763.85(b)(1).

Within thirty (30) days of issuance of this LOD, the School must submit a written statement, signed by the School official designated under 40 CFR § 763.84(g), specifically describing the actions the School has taken to address the findings cited above, and to preclude further violations of the AHERA regulations.

Please address all information to Major Yin, at the following address

NHDES Air Resources Division
Compliance Bureau
P.O. Box 95
Concord, NH 03302-0095

Please be advised that DES will continue to monitor the School's compliance status and that this letter does not provide relief against any other existing or future deficiencies. A copy of this LOD and any documentation of the corrective action received from the School will be provided to the EPA. Compliance with this LOD does not preclude the EPA from pursuing any other remedies or sanctions authorized by law. Such sanctions may include administrative, civil, and/or criminal action, which may be available by reason of the failure of the School, its officers, employees, or agents to comply with AHERA or the regulations promulgated under AHERA.

If you believe that DES has cited these deficiencies in error or if you have any questions or require additional information regarding this matter, please contact Steve Cullinane, Asbestos Program Manager, Compliance Bureau, Air Resources Division, at (603) 271-1373 or Marjorie Yin, Compliance Bureau, Air Resources Division, at (603) 271-4555.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/blh

cc: W. Toland, EPA Region 1
G. Hamel, Legal Unit Administrator
File